

REMARKS

Applicant would like to thank Examiner McDermott for the indication of allowable subject matter in Claims 4, 9, 20, and 42. As discussed more fully below, the subject matter of Claim 4 has been incorporated into Claims 1 and 29. Claims 7 and 8 have been incorporated into Claim 9. Claims 20 and 42 have been made into an independent claim incorporating the subject matter of Claim 1. Claims 3, 4, 7, 8 and 25 are newly cancelled. New claims have been added, claims 43 and 44, reinstating the subject matter of cancelled Claims 21 and 38. The claims now pending are 1, 2, 5, 6, 9-20, 22, 24, 26, 27, 29-37, 40, 42, 43 and 44.

Rejections Under 35 USC § 112

The Examiner has objected to the new language in claims 1 and 29 as “new matter”. Applicant does not concede or in any way admit that the carving out of a compound previously embraced within the claims is “new matter”. In the interest of expediting prosecution, however, Applicant has removed the language previously objected to as “new matter” by the Examiner in these claims. Claim 24 has also been amended as suggested by the Examiner. Applicant respectfully submits that, as amended, these claims satisfy the requirements of §112 and requests withdrawal of this basis of rejection.

Rejections under 35 USC §103

Claims 1-3, 6- 8, 10-14, 16-19, 22, 24, 26, 27, 29, 30, 32, 33, 35, 37 and 40 were rejected under 35 USC §103(a) as obvious in view of various combinations of references. Applicant respectfully requests clarification regarding the rejection of Claim 40, directed to a compound capable of sequestering chloride ions selected from the group $3\text{CaO}\cdot\text{Fe}_2\text{O}_3\cdot\text{Ca}(\text{NO}_2)_2\cdot n\text{H}_2\text{O}$ and $3\text{CaO}\cdot\text{Fe}_2\text{O}_3\cdot\text{Ca}(\text{NO}_2)\cdot n\text{H}_2\text{O}$ wherein $n = 0$ to 24. This claim is not directed to a concrete structure, as stated at page 11 in the office action. Additionally, the Examiner has already stated on page 15 of the action that the prior art does not teach or suggest concrete structures or a method of resisting corrosion in concrete, using the compound claimed in Claim 40. Applicant respectfully submits that Claim 40 is not obvious in view of the cited art and requests withdrawal of this basis of rejection.

Claims 43 and 44 reinstate the subject matter of Claims 21 and 38. As the new claims now depend from claims said to contain allowable subject matter, Applicant respectfully submits that these claims are also free of the art.

In view of the amendments incorporating allowable subject matter into Claims 1, 9, 20, 29 and 42, Applicant submits that the remaining §103 rejections, as they pertain to the remaining claims, are rendered moot, and respectfully requests withdrawal of all §103 rejections.

Summary

As all outstanding issues have been addressed, Applicant respectfully submits that all pending claims, Claims 1, 2, 5, 6, 9-20, 22, 24, 26, 27, 29-37, 40, 42, 43 and 44 are in condition for allowance; such action is respectfully requested at an early date.

Respectfully submitted,



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